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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/789,496 | 02/26/2004 | David C. Nemir | 70004-9601-CIP2 | 9093 |

5179 7590 03/30/2007

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| EXAMINER | |
|---|---|
| A, MINH D | |
| **ART UNIT** | **PAPER NUMBER** |
| 2821 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 03/30/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/789,496 | NEMIR ET AL. | |
| | Examiner | Art Unit | |
| | Minh D. A | 2821 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,27-40, 42-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 27-40, 42-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/18/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## *DETAILED ACTION*

1. Applicant 's communication filed on 1/18/07 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejection of record, and those rejection are accordingly withdraw. In view of a further consideration, however, a new rejection is set forth below. This action is not made final.

## *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 27-40, 42-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson et al (Patent No: US 6,400,995).

Regarding claim 1, figures 1-2, Patterson discloses a rodent control device having an apparatus (11) for control of a alternating current appliance and the apparatus (11) being entirely resident within an appliance plug (5) and two prongs (see figure 1) and the device (1) having a programmable controller (IC1) which being programmable exclusively through a plurality of the power delivery conductors (two prongs being connected to two terminals (12 and 13) ( Patterson et al of (Patent No: US 4,802, 057) for showing more detail how to apply to the plug (5)) . Col.2, lines 60-67 to col.3, lines 1-42.

Regarding claim 27, figures 1-2, Patterson discloses the plurality numbers conductors (two prongs) no more than four.

Regarding claim 28, figures 1-2, Patterson discloses the two of conductors no more than four are electrically shorted together such that said plurality of power delivery conductors consists of not more than three electrically unique power delivery conductors. Col.2, lines 60-67 to col.3, lines 1-20.

Regarding claims 29-30, figures 1-2, Patterson discloses the controller (IC1) for programming signal being applied to two of the not more than three electrically unique power delivery conductors and a series pulses. Col.2, lines 60-67 to col.3, lines 1-32.

Regarding claims 31-32, figures 1-2, Patterson discloses a line and a clock line of microcontroller (IC1) being controlled by applicant of a programming signal applied to two of the not more than three electrically unique power delivery conductors. Col.2, lines 60-67 to col.3, lines 1-10.

Regarding claim 33, figures 1-2, Patterson discloses the mixture of direct and alternating current signals places said programmable controller (IC1) into a programming mode.

Regarding claims 34-35, figures 1-2, Patterson discloses at least one of the signals comprises a high frequency signal or wherein said programmable controller being electronically configured to implement a set of control actions. Col.2, lines 60-67 to col.3, lines 1-15.

Regarding claim 36, figures 1-2, Patterson discloses a microcontroller.

Regarding claims 37 and 50, figures 1-2, Patterson discloses the controller controls for protecting an appliance connected to a household and the controller control selected from the group consisting of thyristors transistor, triac and combination.

Regarding claim 38, figures 1-2, Patterson discloses the programmable controller (IC1) being programmed via electronic signals from a programmer.

Regarding claim 39, figures 1-2, Patterson discloses the controller is programmable after said apparatus is assembled and the controller of the apparatus is entirely resident within said appliance plug or a plug-in module. Col.2, lines 60-67 to col.3, lines 1-42.

Regarding claim 40, figures 1-2, Patterson discloses the apparatus enables an appliance electrically connected thereto to operate in a manner different from that originally intended

Regarding claim 42, figures 1-2, Patterson discloses a rodent control device comprising a programmable controller (IC1) for providing an appliance plug or a plug-in module and disposing the programmable controller (IC 1) within the appliance plug(5); two terminals or two prongs for providing a plurality of electrical power delivery conductors; and the IC(1) for applying one or more signals to two of the power delivery conductors. Col.2, lines 60-67 to col.3, lines 1-42.

Regarding claim 43, figures 1-2, Patterson discloses the IC(1) for applying one or more signals to no more than three of the power delivery conductors.

Regarding claim 44, figures 1-2, Patterson discloses the rodent control device comprising programming the programmable controller (IC(1)) with electronic signals communicated from a programmer to the controller through one or more of the power delivery conductors after the controller has been disposed in the appliance plug or plug-in module. See figures 1, col.4, lines 1-67 to col.5, lines 1-67.

Regarding claim 45, figures 1-2, Patterson discloses a high frequency signal to two of the power delivery conductors to place the programmable controller into a programming mode.

Regarding claim 46, figures 1-2, Patterson discloses a series of pulses applied to two of the power delivery conductors to control both data and clock lines during programming. See figure 1, col.4, lines 26-67.

Regarding claim 47, figures 1-2, Patterson discloses a mixture of direct current and alternating current signals to two of the power delivery conductors to place the programmable controller into a programming mode. See figures 1-2.

Regarding claim 48, figures 1-2, Patterson disclose the programmable controller to implement a set of control actions.

Regarding claim 49, figures 1-2, Patterson discloses a programmable controller comprises providing a microcontroller (IC(1)).

Regarding claim 51, figures 1-2, Patterson discloses a controlling an appliance by programming the programmable controller so as to enable the appliance to perform in a manner different from its original design.

Regarding claim 52, figures 1-2, Patterson discloses a rodent control device having an apparatus (11) for control of a alternating current appliance and the rodent control device comprising a IC (1) for a microcontroller and electrostatic discharge protect diodes (Zener diodes) internal to the microcontroller (IC (1)) and a rectified (diodes) for converting a AC to DC power supply to the microcontroller (IC (1)). Col.2, lines 60-67 to col.3, lines 1-42.

Regarding claim 53, figures 1-2, Patterson discloses each of the internal electrostatic discharge protection diodes (zener diodes) are paralleled by transistor (triac) that forms an alternative conducting path around the internal electrostatic discharge protection diode (Zener diodes).

Regarding claim 54, figures 1-2, Patterson discloses thee alternative conducting path allows firing of a transistor during a portion of an AC cycle when said internal electrostatic discharge protection diodes are not conducting.

Regarding claim 55, figures 1-2, Patterson discloses a transistor that is in parallel with one of said internal electrostatic discharge protection diodes, wherein while applying a gate voltage to said MOSFET ensures that is turned on.

***Citation of relevant prior art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Chapman et al. (U.S. Patent No. 6,150,940) discloses a an antitheft electrical power cord.

Prior art Mai et al (U.S. Patent No. 5,643,4012) discloses safety plug with switch means.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2: 45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662 can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Minh A

Art Unit 2821

3/23/07

SHIH-CHAO CHEN
PRIMARY EXAMINER